

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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US ALLIANCE FEDERAL CREDIT UNION, :
Plaintiff, :
: **MEMORANDUM AND ORDER**
– against – : 20-CV-1733 (AMD) (SJB)
M/V KAMARA FAMILY A/K/A SOULSTICE :
and **RUSLAN AGARUNOV,** :
Defendants. :
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ANN M. DONNELLY, United States District Judge:

On April 8, 2020, the plaintiff brought this admiralty and maritime foreclosure action *in rem* against the M/V *Kamara Family* a.k.a. *Soulstice*, a 2013 Azimut Cruiser Flybridge 40 (the “Vessel”), and *in personam* against the Vessel’s owner, Ruslan Agarunov. (ECF No. 1.) The plaintiff alleges that Agarunov defaulted on a \$350,000 mortgage loan used to purchase the Vessel, and seeks authorization to sell the Vessel so it can recover the remaining principal and interest due, attorney’s fees and costs, and other expenses. (*Id.*)

The plaintiff served Agarunov on September 29, 2020. (ECF No. 14.) The defendants did not appear or answer the complaint, and the Clerk of Court filed an entry of default on December 28, 2020. (ECF No. 17.) On May 13, 2021, the plaintiff filed a motion for default judgment against the defendants.¹ (ECF No. 22.) I referred the motion to Magistrate Judge Sanket J. Bulsara on the same day.

¹ This is the plaintiff’s second motion for default judgment. On May 5, 2021, I adopted Judge Bulsara’s April 16, 2021 Report and Recommendation (ECF No. 19), in which he recommended that I deny the plaintiff’s first motion for default judgment without prejudice to renewal. (ECF No. 21.)

Judge Bulsara issued a characteristically thoughtful Report and Recommendation on February 8, 2022, in which he recommends that the plaintiff's motion be denied, and that the plaintiff be given an opportunity to file and serve an amended complaint, and then to file a motion for default judgment upon entry of default. (ECF No. 25 at 8.) No objections to the Report and Recommendation have been filed, and the time for doing so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)) (internal quotation marks omitted).

Judge Bulsara's comprehensive Report and Recommendation contains no error. Accordingly, I adopt it in its entirety. If the plaintiff decides to file an amended complaint, it must do so no later than March 31, 2022.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 1, 2022